

### **REMARKS**

Claims 1 – 8 and 10 are pending in the application.

In the present amendment, claims 1, 5 and 7 are amended, support being found in Applicant's specification, page 9, lines 4 – 9. No new matter is added.

#### **35 U.S.C. §103(a)**

Under 35 U.S.C. § 103(a), the Office rejects claims 1, 5, 8 and 10 over Finseth et al. (US 2005/0028207 A1, hereinafter Finseth) in view of Usui et al. (US 6,075,570, hereinafter Usui) and Hassell et al. (US 2007/0033615, hereinafter Hassell).

Applicant submits that for at least the following reasons, claims 1, 5, 8 and 10 are patentable over Finseth, Usui and Hassell, either singly or in combination.

For example, claim 1 requires:

*"a user-operable input signal device coupled to said microprocessor, enabling a user to selectively identify selected ones of said recommended program items on said display as having been previously viewed outside the purview of the system, such that said microprocessor then removes said selected ones of said recommended program items from said listed recommended program items for current viewing and future viewing on said display, displays a revised listing of recommended program items for current viewing, and adds said selected ones of said program items to said look-up lists in said memory device."*  
(Emphasis added)

The Office Action, page 3, concedes that Finseth fails to disclose a user-operable input signal device coupled to said microprocessor, enabling a user to selectively identify selected ones of said recommended program items on said display as having been previously viewed, such that said microprocessor then removes said selected ones of said recommended program items from said listed recommended program

items for current viewing on said display and adds said selected ones of said program items to said look-up lists in said memory device. Because of this deficiency in Finseth, the Office cites Usui, and argues that the EPG data of viewed programs deleted from the RAM is unable to display for future listings. However, Applicant submits that Usui does not disclose the feature as claimed.

Usui, column 11, lines 44 – 51 recites:

"In addition, the EPG data of a program which was once viewed by the user can be deleted from the RAM unit 207 at a request of the user, allowing the storage area of the RAM unit 207 to be utilized more efficiently. In this case, the program name of the deleted program can be left unerased and stored in the RAM unit 207 as a history. In this way, the user can search the stored data for programs that the user has watched before."

Applicant submits that it is clear from the above passage that Usui refers programs that can be deleted from the EPG are that ones that have been previously viewed within the purview of the system, because Usui discloses that the program was viewed once by the user and the user can search the stored data within the system for programs that the user has watched before. Thus, in Usui, the program items that are unavailable for further listing are the ones that the system already recognizes as having been previously viewed by the user. Therefore, Usui, does not teach or suggest the claimed feature: a user-operable input signal device coupled to said microprocessor, enabling a user to selectively identify selected ones of said recommended program items on said display as having been previously viewed outside the purview of the system, such that said microprocessor then removes said selected ones of said recommended program items from said listed recommended program items for current viewing and future viewing on said display.

Applicant further submits that Hassell does not in any way cure the defects present in Finseth and Usui as discussed above. Therefore, claim 1 is patentable over Finseth, Usui and Hassell, either singly or in combination.

Similarly, claim 5 requires:

*"said computer apparatus further comprises a display and a keyboard having at least one key capable of identifying selected ones of said recommended program items on said display as having been previously viewed by the user but not yet recognized by the system that said selected ones have already been viewed to avoid future listings."*

Moreover, claim 7 requires:

*"selectively identifying and characterizing by a corresponding electronic signal, a program item on said list of recommended program items that was previously viewed outside the purview of the system or unacceptable by said user," and*

*"removing said program items that are currently selectively identified and characterized by said identified user from said displayed list of recommended program items for current and future viewing."*

Applicant essentially repeats the above arguments for claim 1 and applies them to claims 5 and 7 pointing out why Finseth, Usui and Hassell, either singly or in combination, fail to disclose the above claimed features. Claims 8 and 10 are patentable because at least they depend from claim 7, with each claim containing further distinguishing features.

Under 35 U.S.C. § 103(a), the Office Action also rejects claims 2, 3 and 6 over Finseth, Usui and Hassell, and further in view of Percy et al. (US 4,646,145, hereinafter Percy); claim 4 over Finseth, Usui, Hassell and Percy, and further in view of Yamamoto

(US 2007/0006266, hereinafter Yamamoto); and claim 7 under over Finseth in view of Usui, Hassell and Yamamoto.

Applicant further submits that none of the secondary references cited above, either singly or in combination can cure the defects pointed out above with respect to Finseth, Usui and Hassell. Therefore, claim 7 is patentable over Finseth, Usui, Hassell and Yamamoto. In addition, claims 2 – 4 and 6 are patentable because at least they respectively depend from claims 1 and 5, with each claim containing further distinguishing features.

Withdrawal of the rejection of claims 1 – 8 and 10 under 35 U.S.C. § 103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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